



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene
Office of Health Care Quality
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Lawrence J. Hogan, Jr., Governor – Boyd K. Rutherford, Lt. Governor – Van T. Mitchell, Secretary

TO: Health Care Staffing Agencies and Interested Parties

FROM: Patricia Tomsco Nay, M.D. *Patricia Tomsco Nay, M.D.*
Executive Director, Office of Health Care Quality

DATE: March 13, 2015

RE: Revised Regulation: COMAR 10.07.03 Health Care Staffing Agencies

This transmittal is to inform health care staffing agencies about the revised regulations provided in COMAR 10.07.03 which became effective September 15, 2014. “Health care staff agency” means any person, firm, corporation, partnership, or other business entity engaged in the business of referring health care practitioners as employees or independent contractors to render temporary health care services at a health care facility in the State. It does not include:

- A health care staff agency operated by a health care facility or its affiliates solely for the purpose of procuring, furnishing, or referring temporary or permanent health care practitioners for employment at that health care facility or its affiliates;
- A home health agency regulated under Health-General Article, Title 19, Subtitle 4, Annotated Code of Maryland; or
- Any health care practitioner procuring, furnishing, or referring their own services to a health care facility without the direct or indirect assistance of a health care staff agency.

A person, firm, corporation, partnership, or other business entity may not maintain or operate a health care staff agency in this State without first obtaining a license from the Department. Effective September 15, 2014, a person holding a nursing staff agency license that is in good standing and refers only nursing personnel shall be deemed to meet the requirements for issuance of a health care staff agency license. The following licensing procedures are required for a Health care staffing agency:

- File an application with the Department, on a form provided by the Department.
- Submit a nonrefundable 1-year license fee of \$150 made payable to the Department.
- Submit a copy of the agency's policies and procedures as specified in COMAR 10.07.03.
- Demonstrate compliance with all applicable federal, State, and local laws and regulations.
- Submit all documentation requested by the Department that is relevant to the applicant's ability to operate an agency in compliance with COMAR 10.07.03.

The new regulations were adopted pursuant to Title 19, Subtitle 20 of the Health General Article, Annotated Code of Maryland. Information regarding these regulations is provided on the Department's website. Additionally, the Department will hold educational sessions to provide further clarification and guidance on the regulations. Please visit the Division of State Documents website to access the revised regulations.

For additional information regarding this regulation please contact Behavioral Health Program Manager, Stacey Diehl at stacey.diehl@maryland.gov or 410-402-8289.